

IN RE: PETITION FOR ADMIN. VARIANCE
3M/S Deer Park Road, 950' NW
of the c/l of Oakland Road
(5928 Deer Park Road)
2nd Election District
3rd Councilmanic District
Mark Nowell Cleaver, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-133-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, Mark N. and Deborah A. Cleaver. The Petitioners request relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure with a height of 18 feet in lieu of the maximum permitted 15 feet for a proposed 24' x 26'8" building in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November, 1992 that the Petition for Administrative Variance requesting relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure with a height of 18 feet in lieu of the maximum permitted 15 feet for a proposed 24' x 26'8" building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed building shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 24, 1992

Mr. & Mrs. Mark N. Cleaver
5928 Deer Park Road
Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SM/S Deer Park Road, 950' NW of the c/l of Oakland Road
(5928 Deer Park Road)
2nd Election District - 3rd Councilmanic District
Mark N. Cleaver, et ux - Petitioners
Case No. 93-133-A

Dear Mr. & Mrs. Cleaver:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 5928 DEER PARK RD.
REISTERSTOWN MD. 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include narrative or present affidavit)

THE HOUSE WAS BUILT IN THE 1920'S WITH NO CHIMNEY OR ATTIC TO STORE THINGS IN. WE ARE FACED NOW WITH OUR BARN FALLING DOWN AND NEED THE SPACE THAT THE EXTRA HEIGHT WOULD GIVE US.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Mark N. Cleaver
Signature
MARGARET A. GROVE
Notary Public
My Commission Expires: DECEMBER 1, 1992

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss. I, MARGARET A. GROVE, Notary Public for the State of Maryland, do hereby certify, this 22ND day of OCTOBER, 19 92, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared MARK N. CLEAVER AND DEBORAH A. CLEAVER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

OCTOBER 22, 1992

93-133-A
THE DESCRIPTION FOR 5928 DEER PARK ROAD

REISTERSTOWN MD. 21136

STARTING AT THE POINT OF BEGINNING SOUTH SIDE

OF DEER PARK ROAD. 950 FEET EAST SIDE OF

THOMPSON AVE. THENCE

NORTH 20° WEST - 420'

N 68 W - 105'

S 20 W - 404.5'

S 68 E - 105'

TO POINT OF BEGINNING WITH AN AREA

OF 44,205 SQ. FT.

93-133-A

SCHEDULE A

BEGINNING FOR THE SAME in the center of the Deer Park Road at a point 105 feet distance from the end of the 12th line of the 1st parcel of land mentioned and described in a Deed from George W. Vaughn and wife to Walter G. Hatfield and wife, dated August 30, 1911, and recorded among the Land Records of Baltimore County prior hereto and running thence binding on said line south 68 degrees east 105 feet to the end of the north 58 1/2 degrees west 21 perches line mentioned in the Deed from Milton W. Offutt and wife to William E. Vaughn, dated March 11, 1899, and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 231, folio 124 and running thence and binding on the 2 succeeding lines in said Deed south 20 degrees west 1 perch to the north side of Deer Park Road still south 20 degrees west 404 1/2 feet to a point in said line thence north 68 degrees west 105 feet thence north 30 degrees east 420 feet to the place of beginning. Containing one acre more or less. The improvements thereon being known as No. 5928 Deer Park Road.

#145

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 10/24/92

Posted for: Deborah A. Cleaver

Petitioner: Mark N. Cleaver

Location of property: 5928 (S46) Deer Park Rd., 950' NW of Oakland Rd.

Location of Sign: Facing the property on property of Petitioner

Remarks: None

Posted by: M. Groves Date of return: 10/26/92

Number of Signs: 1

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5928 DEER PARK RD.
which is presently zoned R C 4.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property above in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 (B.C.Z.R.) TO PERMIT AN ACCESSORY STRUCTURE WITH A HEIGHT OF 18' IN LIEU OF THE REQUIRED 15'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zipcode

A Public Hearing having been requested and/or held to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, at the time and place of public hearing set forth below.

REVIEWED BY: SLW DATE: 10-21-92

ESTIMATED POSTING DATE: 11-8-92

Zoning Commissioner of Baltimore County

ITEM # 145

93-133-A

145

Baltimore County
Zoning Administration &
Development Management
111 West Champa Avenue
Towson, Maryland 21204

93-133-A receipt

Account: R-001-6150

Number: 145

Date

PAID PER HAND-WRITTEN RECEIPT DATED 10/22/92

10/26/92

H9300145

PUBLIC HEARING FEES

010 - ZONING VARIANCE (IRL) 1 X \$50.00

080 - POSTING SIGNS / ADVERTISING 1 X \$35.00

LAST NAME OF OWNER: CLEAVER TOTAL: \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Mr. and Mrs. Mark Novell Cleaver
5928 Deer Park Road
Reisterstown, MD 21136

RE: Case No. 93-133-A, Item No. 145
Petitioner: Mark Novell Cleaver, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Cleaver:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
21st day of October, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richman
Chairman,
Zoning Plans Advisory Committee

Petitioner: Mark Novell Cleaver, et ux

Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services) Development Review Committee Response Form Authorized signature _____ Date 11/9/92			
Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Steven and Nadine Mosgin	129		11-2-92 NC
Edward L. And Linda M. Gittings	134		comment
DED DEPRM RP STP TE			
✓ Kathleen Gaiser	135		NC
DED DEPRM RP STE RP			
Charles E. Anderson	136		comment
DED DEPRM RP STP TE			
✓ Richard E. Shetrone Jay E. Boyd	137		NC
DED DEPRM RP STP TE			
Fred C. and Soung O. Yoo	138		comment
DED DEPRM RP STP TE			
✓ John and Barbara Taylor	139		NC
DED DEPRM RP STP TE			
✓ Jose and Janice S. Lopez	141		NC
DED DEPRM RP STP TE			
✓ Russell L. Elliott	142		NC
DED DEPRM RP STP TE			
✓ Nick J. and Koula I. Proakis	143		NC
DED DEPRM RP STP TE			
✓ Daniel T. and Sharon L. Wollfrey	144		NC
DED DEPRM RP STP TE			
✓ Mark N. and Deborah A. Cleaver	145		NC
DED DEPRM RP STP TE			

Maryland Department of Transportation
State Highway Administration
O James Lightizer
Secretary
Hal Kassoff
Administrator
Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
Re: Baltimore County
Item No.: *145 (JCM)
Dear Ms. Winiarski:
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.
Please contact David Ramsey at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.
Very truly yours,
David N. Ramsey 11/3/92
John Contestabile, Chief
Engineering Access Permits
Division
Rec'd 11/5/92
My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: November 5, 1992
FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section
SUBJECT: Petitions from Zoning Advisory Committee
(November 2, 1992)
The Office of Planning and Zoning has no comments on the following petition(s):
Steven and Nadine Mosgin, Item No. 129
Kathleen Gaiser, Item No. 135
Richard Shetrone and Jay Boyd, Item No. 137
John and Barbara Taylor, Item No. 139
Jose & Janice Lopey, Item No. 141
Nick and Koula Proakis, Item No. 143
Daniel and Sharon Wollfrey, Item No. 144
Mark and Deborah Cleaver, Item No. 145
Mike and Patricia Siano, Item No. 146
Randall and Dorothy Pettie, Item No. 147
If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.
Prepared by: *Francis Morsey*
Division Chief: *Ervin Mc Daniel*
EMcD/FM:rdn
129 ZAC/ZAC1

DPW/Traffic Engineering Development Review Committee Response Form Authorized signature _____ Date 11/9/92			
Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Steven and Nadine Mosgin	129	NC	11-2-92
Edward L. And Linda M. Gittings	134	MT	
DED DEPRM RP STP TE			
✓ Kathleen Gaiser	135	NC	
DED DEPRM RP STE RP			
✓ Charles E. Anderson	136	NC	
DED DEPRM RP STP TE			
✓ Richard E. Shetrone Jay E. Boyd	137	NC	
DED DEPRM RP STP TE			
✓ Fred C. and Soung O. Yoo	138	NC	
DED DEPRM RP STP TE			
✓ John and Barbara Taylor	139	NC	
DED DEPRM RP STP TE			
✓ Jose and Janice S. Lopez	141	NC	
DED DEPRM RP STP TE			
✓ Russell L. Elliott	142	NC	
DED DEPRM RP STP TE			
✓ Nick J. and Koula I. Proakis	143	NC	
DED DEPRM RP STP TE			
✓ Daniel T. and Sharon L. Wollfrey	144	NC	
DED DEPRM RP STP TE			
✓ Mark N. and Deborah A. Cleaver	145	NC	
DED DEPRM RP STP TE			

Department of Environmental Protection & Resource Management Development Review Committee Response Form Authorized signature _____ Date 11/23/92			
Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Fred C. and Soung O. Yoo	138		11-2-92 NO COMMENTS
DED DEPRM RP STP			
✓ John and Barbara Taylor	139		NO COMMENTS
DED DEPRM RP			
✓ Jose and Janice S. Lopez	141		NO COMMENTS
DED DEPRM RP			
✓ Russell L. Elliott	142		NO COMMENTS
DED DEPRM RP			
✓ Nick J. and Koula I. Proakis	143		IN PROCESS
DED DEPRM RP			
✓ Daniel T. and Sharon L. Wollfrey	144		NO COMMENTS
DED DEPRM RP			
✓ Mark N. and Deborah A. Cleaver			NO COMMENTS
DED DEPRM RP			
✓ Mike and Patricia Siano	146		NO COMMENTS
DED DEPRM RP			
✓ Dorothy and Randall Pettie	147		IN PROCESS
DED DEPRM RP			
COUNT 14			
Anthony J. and Susan M. DiBartolomeo	148		NO COMMENTS
DED DEPRM RP			
✓ Irving R. and Joyce L. Bauer	149		WRITTEN COMMENTS
DED DEPRM RP			
✓ Andrew I. David	150		WRITTEN COMMENTS
DED DEPRM RP			

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500
NOVEMBER 16, 1992
(410) 887-4500
Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
RE: Property Owner: MARK NOWELL CLEAVER AND DEBORAH ANN CLEAVER
Location: #5928 DEER PARK ROAD
Item No.: *145 (JCM) Zoning Agenda: NOVEMBER 2, 1992
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.
REVIEWER: *Ervin Mc Daniel* Noted and Approved: *John Contestabile*
Planning Group Fire Prevention Bureau
Special Inspection Division
JP/KEK
Rec'd 11/18/92

SCALE	LOCATION	SHEET
1" = 200' ±	TYLER	N.W. 12 - L
DATE OF PHOTOGRAPHY JANUARY 1986		